

James Arnett
Plaintiff, In Propria Persona (I.F.P.)
9288 N. Monmouth Court
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FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

SEP 19 2013

D. MARK JONES, CLERK
BY _____
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

JAMES ARNETT,

Plaintiff,

v.

BENJAMIN SNOW HOWARD;
LIFELINE MEDIA LLC, a Utah
entity; NATIONWIDE AFFORDABLE
HOUSNG, a Texas corporation; and the
BEN HOWARD TRUST, an Idaho
trust,

Defendants.

REPLY

Presiding Judge Ted Stewart

Case 2:13-CV-00591-TS-DBP

Plaintiff James Arnett, representing himself Pro Se, herein Replies to
Defendants Response in opposition [Doc. 70] to Plaintiff's Motion [Doc. 65].

Whereas, Plaintiff has included the official and verifiable Library of Congress copyright number for Defendant Howard's allegedly fraudulent Copyright (number Pau003684884) in his Motion [Doc. 65], Defendants' improper characterization of Plaintiff's Motion in their Argument is misdirection, at best.

“Plaintiff’s Motion is nothing more than yet another frivolous waste of the Court’s time and Defendant’s costs, and Defendants request that the Court award them attorneys fees for having to respond to such a filing. Rule 65 of the Federal Rules of Civil Procedure requires that a motion for a TRO or preliminary injunction needs to be based on affidavits or at least a verified complaint. Plaintiff has provided neither.” [Doc. 70 page 2]

Defendants are not representing the Record faithfully, as Plaintiff's motions and pleadings are all construed to be affidavits by the Rules, and his complaint is made self-evident in his Motion [Doc. 65] and verified by “Self-Authenticating” evidence under Rule 902 of the Federal Rules of Evidence. These facts leave Defendants' opposition as a “frivolous waste of the court's time”, as they point fingers for their own disingenuous behavior. Plaintiff is not aware if awarding Court Fees in Pre-Trial are as available from one's Adversary as they profess, but if this is indeed the case, Plaintiff wishes to off-set his litigation costs as well, if Defendants are found by this Honorable Court to be behaving in an unbecoming manner. At any rate, Defendants continue to falsely characterize matters of Record.

Regardless of the fact that Plaintiff has practically “dumped” his evidence at the Courthouse steps (by filing “prima facie” evidence on disc, etc.)... [Doc. 65 page 2]

Plaintiff does not wish to point out the totality of Defendants' Argument, which merely descends into tangential nonsense, but it is improper to characterize Plaintiff's execution of the Order of the Honorable United States Magistrate Judge D. Thomas Ferraro, District of Arizona [Doc. 34] as “dumped” – it was Ordered.

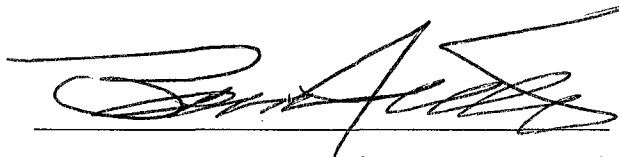
Therefore, Defendants' Response in opposition is not material to opposing Plaintiff's Motion [Doc. 65], and should be disregarded by this Honorable Court, and the merits of Plaintiff's Motion [Doc. 65] become evident in the following undisputed facts:

1. The fact remains that Defendant Howard and Defendant Life Line Media continue to commercially exploit Plaintiff James Arnett's property without license or agreement, as required under Title 17 Chapter 13 of the United States Code, as Defendants have falsely sworn in their filed copyright application.
2. Further, Defendants do not deny their unlicensed use of Plaintiff's property, nor assert that they possess any employment contracts or license agreements from Plaintiff, required by Federal Law as an "employer for hire". Neither is their claim for authorship of the "entire motion picture" remotely true – it's a pure falsehood made evident by the conspicuously marked motion picture [Exhibit DVD-2] on file with this Honorable Court, signifying Plaintiff's ownership (his A.I.A. logo) in the opening moments of the motion picture on disc.
3. Defendants have offered no Good Cause, nor compelling argument to justify continuing to commercially exploit Plaintiff's property – they merely wish to continue their unjust enrichment at Plaintiff's expense.

Wherefore, for all of the reasons and proofs contained herein and in Plaintiff's Motion [Doc. 65], Plaintiff respectfully requests that this Honorable Court Grant a T.R.O., restraining Defendants from selling, distributing and otherwise exhibiting Plaintiff's Goods, consisting of the Motion Picture, the Audio Book, and the TV Commercial Spot until this case has been officially and fully resolved.

Plaintiff is a pro se amateur, and does not presume to write an unskilled pro se level Order with the expectation of a United States Magistrate Judge or United States District Judge to put their name to such a draft without a direct command to do so. If this Honorable Court Grants this Motion, and commands him to draft such an Order, Plaintiff shall do so, to the best of his abilities and with diligence.

Respectfully submitted this 17th day of September 2013.

A handwritten signature in black ink, appearing to read 'James Arnett', written over a horizontal line.

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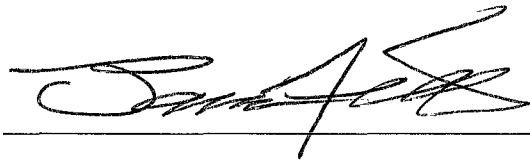
CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of September 2013, I mailed the preceding
REPLY to the Office of the Clerk of the United States Court for the District of Utah at:

U.S. Court for the District of Utah
350 South Main Street
Salt Lake City, Utah 84101

I also hereby certify that I have mailed these identical materials via United States
Postal Service, to the following Attorneys for Defendants Howard, et al.:

TYCKSEN & SHATTUCK, LLC
Bryan J. Stoddard
12401 S. 450 E., Suite E-1
Draper, UT 84020



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